

5/00-4153.K&C (00-3288.D) / kjs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

FILED

OCT 03 2002

MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT

LONNIE McCULLOR AND DIANA  
McCULLOR,

Plaintiffs,

v.

VILLAGE OF RIVERDALE, DETECTIVES  
J. DEMPSEY and T. FIONDA, OFFICERS J.  
MICHALEK and S. RONDEZ (Star #105),

Defendants.

No. 00 C 6945

Judge Hibbler

Magistrate Judge Bobrick

DOCKETED

OCT 11 2002

**NOTICE OF MOTION**

TO: Mr. Standish E. Willis, 407 South Dearborn Street, Suite 1395, Chicago, Illinois 60605

**PLEASE TAKE NOTICE** that on **OCTOBER 8, 2002**, at **9:15 A.M.**, or as soon thereafter as counsel may be heard, I shall appear before the Honorable Judge William J. Hibbler, or any judge sitting in his stead in Courtroom 1225, the courtroom usually occupied by him at the Dirksen Federal Building, 219 South Dearborn Street, Chicago, Illinois and the Defendants request the entry of a Protective Order barring an alleged occurrence witness, Horace V. Hayden, from testifying in this cause of action. A copy of said Motion is attached hereto and herewith served upon you.


*W. W. Kurnik*

WILLIAM W. KURNIK, One of the Attorneys for  
Defendants VILLAGE OF RIVERDALE, JOHN P.  
DEMPSEY, ANTHONY J. FIONDA, JEFFREY L.  
MICHALEK and SAMUEL A. RODGERS  
(incorrectly sued as "S. RONDEZ, Star #105)

**CERTIFICATE OF SERVICE**

The undersigned, attorney of record herein, certifies that the original of the foregoing **NOTICE OF MOTION** was filed with the Clerk of the U.S. District Court; and a copy thereof was served upon the following, by depositing the same in the U.S. Mail, first-class postage prepaid on the 1 day of <sup>Oct</sup>~~September~~, 2002:

Mr. Standish E. Willis  
407 South Dearborn Street  
Suite 1395  
Chicago, Illinois 60605

  
\_\_\_\_\_  
WILLIAM W. KURNIK  
KNIGHT, HOPPE, KURNIK & KNIGHT, L.L.C.  
2860 River Road -- Suite 400  
Des Plaines, Illinois 60018  
(847) 298-8000

5/00-4153.K&C (00-3288.D) / kjs

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

**FILED**

OCT 03 2002

**MICHAEL W. DOBBINS  
CLERK, U.S. DISTRICT COURT**

LONNIE McCULLOR AND DIANA  
McCULLOR,

Plaintiffs,

v.

VILLAGE OF RIVERDALE, DETECTIVES  
J. DEMPSEY and T. FIONDA, OFFICERS J.  
MICHALEK and S. RONDEZ (Star #105),

Defendants.

No. 00 C 6945

Judge Hibbler

Magistrate Judge Bobrick

**DOCKETED**

OCT 11 2002

**MOTION OF DEFENDANTS FOR PROTECTIVE ORDER  
BARRING TESTIMONY OF WITNESS**

NOW COME the Defendants, VILLAGE OF RIVERDALE, JOHN P. DEMPSEY, ANTHONY J. FIONDA, JEFFREY L. MICHALEK and SAMUEL A. RODGERS (incorrectly sued as "S. RONDEZ, Star #105), by and through one of their attorneys, WILLIAM W. KURNIK, and request the entry of a Protective Order barring an alleged occurrence witness, Horace V. Hayden, from testifying. In support hereof, the undersigned submits the following:

1. Horace V. Hayden, who claims to be an occurrence witness, appeared for deposition several months ago and refused to testify, and appeared before this Court on a show cause order.

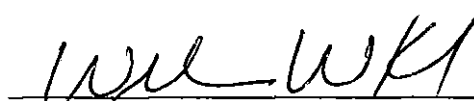
2. At the time that Mr. Hayden appeared on the show cause order, this Court advised him that he would not be compelled to testify against his wishes, but that he should reevaluate his position regarding his refusal to give deposition testimony in this cause.

3. The undersigned has been informed by counsel for Plaintiffs that Mr. Hayden continues to refuse to testify and give deposition testimony in this cause.

4. In order to avoid unfair prejudice to the Defendants, the Defendants request the entry of any order barring Horace V. Hayden from testifying in this cause.

WHEREFORE, the Defendants request the entry of an order barring Horace V. Hayden from testifying herein.

Respectfully submitted by,



WILLIAM W. KURNIK, One of the Attorneys for  
Defendants VILLAGE OF RIVERDALE, JOHN P.  
DEMPSEY, ANTHONY J. FIONDA, JEFFREY L.  
MICHALEK and SAMUEL A. RODGERS  
(incorrectly sued as "S. RONDEZ, Star #105)

**CERTIFICATE OF SERVICE**

The undersigned, attorney of record herein, certifies that the original of the foregoing **MOTION OF DEFENDANTS FOR PROTECTIVE ORDER BARRING TESTIMONY OF WITNESS** was filed with the Clerk of the U.S. District Court; and a copy thereof was served upon the following, by depositing the same in the U.S. Mail, first-class postage prepaid on the 1 day of September, 2002:

*Oct*

Mr. Standish E. Willis  
407 South Dearborn Street  
Suite 1395  
Chicago, Illinois 60605



WILLIAM W. KURNIK  
KNIGHT, HOPPE, KURNIK & KNIGHT, L.L.C.  
2860 River Road -- Suite 400  
Des Plaines, Illinois 60018  
(847) 298-8000